IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3401 OF 2007

Priya Jayant Thakkar ..Petitioner

Vs.

1. Jayantilal Vasanji Desai
and ors. ..Respondents

Mr. K.S. Patil for petitioner.

CORAM: B.H. MARLAPALLE, J.

Date : May 04, 2007.

P.C.:

1. Heard Mr. Patil the learned counsel for the petitioner-licensee who is aggrieved by the decree passed by the competent authority Konkan Division, Mumbai under the Maharashtra Rent Control Act, 1999 (for short the Act) and confirmed by the Revisional Authority under Section 44 of the Act.

2. On evaluation of the evidence placed before him, the competent authority has observed that the first leave and licence agreement dated 14/8/2003 was registered, the licence period was 11 months with a

monthly compensation of Rs.3500/- and the licensee when called upon to vacate the suit premises had not paid the arrears of compensation from 14/7/2004 (Advocate's notice dated 21/3/2004). The second agreement was the renewal of the first agreement and its confirmation deed was registered on 7/7/2005. The petitioner-licensee had filed a complaint with the Mulund Police Station on 15/1/2005 and claimed tenancy rights. Leave to defend was granted to the licensee on 7/12/2005. On 18/1/2006 the learned Advocate for the licensee filed a pursis of no instructions and on 23/1/2006 the licensee was absent and consequently the Misc. Application was dismissed in default. However, same was restored on 21/4/2006 and the case was adjourned to 26/4/2006. The licensee engaged another Advocate but was absent on 26/4/2006. Under these circumstances, the competent authority considered the documents and recorded a finding that the relationship between the parties was that of the licensor and licensee, the licence period extended had also expired and, therefore, the landlord was entitled to recover the possession of the suit premises. The revisional authority considered the evidence on record and the

documents advanced by both the parties through their learned Advocates and held that there was no case made out to cause interference in the order passed by the competent authority directing eviction of the licensee.

3. The concurrent view taken by both the authorities below cannot be termed as perverse or grossly erroneous so as to cause interference under Article 227 of the Constitution. In addition, it is also informed that the impugned decree has already been executed.

4. Hence, the petition is rejected summarily.

(B.H. Marlapalle,J.)